

**ANNUAL REPORT
OF THE
COMMISSION
ON
MENTAL HEALTH**



**Indiana Legislative Services Agency
200 W. Washington St., Suite 301
Indianapolis, Indiana 46204-2789**

November 2006

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Commission on Mental Health

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November 2006

FINAL REPORT

Commission on Mental Health

I. STATUTORY AND LEGISLATIVE COUNCIL DIRECTIVES

The Commission on Mental Health, established under IC 12-21-6.5, studies and evaluates issues pertaining to mental health in Indiana.

Representative Jeffrey Thompson introduced and passed HR 88 and HCR 69 during the 2006 session, both of which urged the Legislative Council to establish a committee to study the social, emotional, and behavioral health screening of children. The resolutions also stated that the committee should operate under the direction of the Legislative Council and submit a final report when directed to do so by the Council.

During the 2006 interim, the Legislative Council assigned the topic of social, emotional, and behavioral health screening of children to the Commission on Mental Health. The Council charged the Commission with studying and making findings and recommendations concerning the topic.

II. INTRODUCTION AND REASONS FOR STUDY

The Indiana General Assembly enacted IC 12-21-6.5 during the 2006 legislative session which directs the Commission to do the following:

- (1) Study and evaluate the funding system for mental health services in Indiana;
- (2) Review and make specific recommendations regarding the provision of mental health services delivered by community providers and state-operated hospitals. The review and recommendations must cover services to all age groups, including children, youth, and adults;
- (3) Review and make recommendations regarding any unmet need for public-supported mental health services: (a) in any specific geographic area; or (b) throughout Indiana. In formulating recommendations, the Commission shall consider the need, feasibility, and desirability of including additional organizations in the network of providers of mental health services;
- (4) Monitor the implementation of managed care for the mentally ill that is paid for in part or in whole by the state; and
- (5) Make recommendations regarding the Commission's findings to the appropriate division or department of state government.

III. SUMMARY OF WORK PROGRAM

The Commission met four times during the 2006 interim on September 5, September 20, October 11, and October 25 and studied the following: (1) The Transformation of the Mental Health Work Group; (2) Prescription drug usage by children; (3) Update on Hoosier Healthwise; (4) the Quality Advisory Committee; (5) Children's Social, Emotional, and Behavioral Health Plan; (6) Care management for the seriously mentally ill; (7) Consumer service reviews; (8) State facilities which house the mentally ill; (9) NAMI Indiana Statement about mental health care: an investment, not an avoidable expense; (10) Children's mental health assessment tools; (11) Health care files following persons in the correctional system; and (12) Mental health screening and assessment in juvenile detention facilities.

IV. SUMMARY OF TESTIMONY

Meeting 1, September 5, 2006 -

The Commission heard testimony from the Mental Health Transformation WorkGroup members. Their presentation included: an overview of the mental health and addiction transformation, overarching goals of transformation, family and consumer involvement, results management and knowledge dissemination and use, relationship management, and cross-system initiatives.

Ms. Jeanne LaBrecque, Director, Office of Medicaid Policy and Planning, provided Commission members with an update on Hoosier Healthwise health benefits, the Mental Health Quality Advisory Committee, and behavioral drug prescribing trends for Indiana children.

Meeting 2, September 20, 2006 -

Mr. Bob Marra, Associate Superintendent, Indiana Department of Education, presented information about the Children's Social, Emotional, and Behavioral Health Plan. The presentation included a legislative history pertaining to the Plan, a list of the members of the interagency task force which formulated the Plan, and the components of the Plan.

Mr. John Price discussed a pending law suit in which he is representing Mr. and Mrs. Theresa Rhoades, the parents of a child who was screened for mental health concerns at school. The parents are suing the school corporation and have alleged that the survey was erroneous, improper, and done with reckless disregard for their child's welfare.

Mrs. Theresa Rhoades discussed the emotional and other impacts that her child's school testing program has had upon her family. She also described her repeated

requests for copies of materials and her frustration at being unable to obtain them. Finally, she expressed her opinion regarding the negative impact mental health screening of teenagers will have on families.

Meeting 3, October 11, 2006:

Ms. Jeanne Labrecque provided Commission members with information about care management for the seriously mentally ill. Her presentation included: (1) an overview, (2) the Future of FSSA, (3) Goals for the Care Management Program, (4) Indiana's Medicaid Enrollees and Expenditures by Enrollment Group, (5) Blind and Disabled Claim Expenditure Distribution, Non-Duals, (6) Indiana's ABD Population: Key Statistics, (7) Care Management Program Design Features, (8) Key Dates for New Care Management Program, and (8) Next Steps for Care Management Program.

Ms. Gina Eckart, Associate Director, Division of Mental Health and Addiction, presented information to the Commission about Consumer Service Reviews (CSRs). Her presentation covered: (1) CSR: A Transformation Initiative, (2) Transformation and CSR, (3) CSR vs. Current Results Measurement, (4) What are CSRs, (5) Status, Practice, and Performance, (6) Focus Groups, (7) Timeline for IN CSRs, (8) 2006 Review Weeks, and (9) Results.

Mr. Mitch Roob, Secretary, Family and Social Services Administration, spoke to Commission members about state facilities which house the mentally ill. Information provided included the history of each facility, accreditation, service lines, number of beds, admissions, discharges, average daily population, and staffing information.

Ms. Amy Karazos, Indiana State Bar Association, provided Commission members with sample language from the Bar Association concerning self-incrimination of juvenile offenders.

Mr. Joe Vanable, President, Indiana National Alliance for Mental Illness, provided a statement to the Commission pertaining to the following: "Mental Health Care: An Investment, Not an Avoidable Expense."

Meeting 4, October 25, 2006:

Mr. Mike Kempf, National Alliance for Mental Illness, presented PD 3500 to the Commission and discussed its contents. He stated the need for the legislation and told Commission members that records currently are not maintained by many local jails and thus do not follow an incarcerated individual as the individual moves through the criminal justice system or to another facility.

Ms. JauNae Hanger, Indiana State Bar Association, provided Commission members with sample language pertaining to protection of youth against self-incrimination in behavioral health screening, assessment, and treatment. In addition, she discussed a pilot project which is to be implemented in juvenile detention centers dealing with the

topic presented in the proposed language.

Ms. Lourdes Rosado, Juvenile Law Center, Philadelphia, presented information to Commission members pertaining to: Youth with Behavioral Health Disorders in the Juvenile Justice System: Screening, Assessment and Treatment Initiatives and protecting Youth Against Self-Incrimination in the Process. Her presentation included: (1) youth with behavioral health disorders in the juvenile justice system: prevalence, causes, and implications; (2) an overview of initiatives to address crisis; (3) the right against self-incrimination; (4) potential for self-incrimination in behavioral health examination and treatment; (5) federal protections against self-incrimination in the behavioral health context; (6) current Indiana law and gaps; and (7) model statutes from around the country.

V. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Commission did not make any findings of fact.

The Commission approved PD 3500 at the October 25, 2006, meeting by a vote of 13 to 0. This preliminary draft provides for the maintenance and transfer of a criminal offender's health and mental health records.

The Commission also approved the following recommendations:

(1) The Commission endorses the concept concerning the self-incrimination of children during screening, assessment, evaluation, or treatment in the juvenile justice system and encourages that it be addressed during the 2007 legislative session.

(2) The Commission supports the concepts of the Children's, Social, Emotional, and Behavioral Health Plan, does not recommend universal screening, and is available to the Department of Education in the development of the Plan's rules.

The final report of the Commission was approved by voice vote, 11-1.

WITNESS LIST

Meeting 1, September 5, 2006:

Cathy Boggs, Director, Division of Mental Health and Addiction
Dennis Jones, Chair, Transformation of Mental Health Workgroup
Kim Williams, Executive Director, Families Reaching for Rainbows, Inc.
Bernice Pescosolido, Chancellor's Professor of Sociology, Indiana University
Bob Williams, President & CEO, Quinco
Steve McCaffrey, President & CEO, Mental Health Association of Indiana
Jeanne LaBrecque, Director, Office of Medicaid Policy and Planning

Meeting 2, September 20, 2006:

Bob Marra, Associate Superintendent, Department of Education
John Price, Attorney, John Price & Associates
Theresa Rhoades, Parent

Meeting 3, October 11, 2006:

Jeanne LaBrecque, Director, Office of Medicaid Policy and Planning
Gina Eckart, Associate Director, Division of Mental Health and Addiction
Mitch Roob, Secretary, Family and Social Services Administration
Amy Karozos, Indiana State Bar Association
Joe Vanable, President, Indiana National Alliance for Mental Illness

Meeting 4, October 25, 2006:

Mr. Mike Kempf, Indiana National Alliance for Mental Illness
Ms. JauNae Hanger, Indiana State Bar Association
Ms. Lourdes Rosado, Juvenile Law Center, Philadelphia